

CLOSED,TYPE-I

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:12-cv-01497-ESH**

COMPETITIVE ENTERPRISE INSTITUTE v. UNITED  
 STATES ENVIRONMENTAL PROTECTION AGENCY  
 Assigned to: Judge Ellen S. Huvelle  
 Cause: 05:552 Freedom of Information Act

Date Filed: 09/11/2012  
 Date Terminated: 04/25/2013  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**COMPETITIVE ENTERPRISE  
 INSTITUTE**

represented by **Hans Frank Bader**  
 COMPETITIVE ENTERPRISE  
 INSTITUTE  
 1899 L Street, NW  
 12th Floor  
 Washington, DC 20036  
 (202) 331-2278  
 Fax: (202) 331-0640  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES  
 ENVIRONMENTAL PROTECTION  
 AGENCY**

represented by **Michelle Lo**  
 U.S. ATTORNEY'S OFFICE  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 514-5134  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/11/2012	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 350 receipt number 0090-3064051) filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Corporate Disclosure Statement)(Bader, Hans) (Entered: 09/11/2012)
09/11/2012		Case Assigned to Judge Ellen S. Huvelle. (ls, ) (Entered: 09/12/2012)
09/12/2012	<u>2</u>	Electronic Summons (1)Issued as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Consent Notices)(ls, ) (Entered: 09/12/2012)
09/12/2012	<u>3</u>	AMENDED COMPLAINT against All Defendants (Fee Status:Filing Fee Waived) filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Summons Summons to be served on U.S. Attorney's civil process clerk, # <u>2</u> Summons Summons to be served on U.S. Attorney General)(Bader, Hans) Modified on 9/12/2012 to edit the event b/c a complaint was filed again (dr). (Entered: 09/12/2012)
09/12/2012	<u>4</u>	ELECTRONIC SUMMONS Issued as to U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(ls, ) (Entered: 09/12/2012)
09/12/2012	<u>5</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 09/12/2012)

09/12/2012	<u>6</u>	NOTICE OF SUMMONSES FOR INADVERTENTLY REFILED COMPLAINT by COMPETITIVE ENTERPRISE INSTITUTE re <u>3</u> Complaint, (Bader, Hans) (Entered: 09/12/2012)
09/13/2012	<u>7</u>	ELECTRONIC SUMMONS (3) Issued as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General ( <i>for the Amended Complaint</i> ) (dr) (Entered: 09/13/2012)
10/02/2012	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 9/25/2012, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/17/2012., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/17/2012. ( Answer due for ALL FEDERAL DEFENDANTS by 10/17/2012.) (Bader, Hans) (Entered: 10/02/2012)
10/10/2012	<u>9</u>	NOTICE of Appearance by Michelle Lo on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Lo, Michelle) (Entered: 10/10/2012)
10/10/2012	<u>10</u>	Consent MOTION for Extension of Time to File Answer re <u>3</u> Complaint, by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Lo, Michelle) (Entered: 10/10/2012)
10/10/2012		MINUTE ORDER granting <u>10</u> Consent Motion for Extension of Time to Answer: it is hereby ORDERED that the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY's answer is due by 11/19/2012. Signed by Judge Ellen S. Huvelle on October 10, 2012. (AG) (Entered: 10/10/2012)
11/19/2012	<u>11</u>	MOTION for Summary Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Declaration of James B. Martin, # <u>2</u> Declaration of Phoebe MacLeish, # <u>3</u> Text of Proposed Order)(Lo, Michelle) (Entered: 11/19/2012)
11/28/2012	<u>12</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 11/28/2012)
11/28/2012		MINUTE ORDER granting <u>12</u> Consent Motion for Extension of Time to File Response re <u>11</u> defendant's Motion for Summary Judgment: Upon consideration of the motion, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that plaintiff's response is due by 12/10/2012. Signed by Judge Ellen S. Huvelle on November 28, 2012. (AG) (Entered: 11/28/2012)
12/10/2012	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Statement of Facts Statement of Genuine Issues, # <u>2</u> Declaration Bader Declaration, # <u>3</u> Declaration Horner Declaration)(Bader, Hans) (Entered: 12/10/2012)
12/11/2012	<u>14</u>	CERTIFICATE OF SERVICE by COMPETITIVE ENTERPRISE INSTITUTE re <u>13</u> Memorandum in Opposition, <i>and other papers opposing summary judgment.</i> (Bader, Hans) (Entered: 12/11/2012)
12/18/2012	<u>15</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Lo, Michelle) (Entered: 12/18/2012)
12/19/2012		MINUTE ORDER granting <u>15</u> Motion for Extension of Time to File Reply re <u>11</u> MOTION for Summary Judgment: UPON CONSIDERATION of the Defendant's Consent Motion for Extension of Time to File its Reply in Support of Defendant's Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that Defendant's motion is GRANTED, and it is further ORDERED that Defendant shall have to, and including, Friday, January 4, 2013, to file its reply memorandum in further support of Defendants Motion for Summary Judgment. Signed by Judge Ellen S. Huvelle on December 19, 2012. (AG) (Entered: 12/19/2012)

12/20/2012		Reset Deadlines: Reply to Dispositive Motions due by 1/4/2013. (tj) (Entered: 12/20/2012)
01/04/2013	<u>16</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Declaration Supplemental Declaration of James B. Martin, # <u>2</u> Exhibit Reply to Plaintiff's Statement of Genuine Issues)(Lo, Michelle) (Entered: 01/04/2013)
01/04/2013	<u>17</u>	ERRATA to <i>Bader Declaration In Opposition to Defendant's Motion for Summary Judgment</i> by COMPETITIVE ENTERPRISE INSTITUTE <u>13</u> Memorandum in Opposition, filed by COMPETITIVE ENTERPRISE INSTITUTE. (Bader, Hans) (Entered: 01/04/2013)
01/11/2013	<u>18</u>	MOTION for Leave to File Surreply to re <u>11</u> MOTION for Summary Judgment filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Proposed Surreply In Opposition to Defendant's Motion for Summary Judgment)(Bader, Hans) Modified on 1/13/2013 to correct docket event (jf, ). (Entered: 01/11/2013)
01/11/2013	<u>19</u>	NOTICE of Proposed Order by COMPETITIVE ENTERPRISE INSTITUTE re <u>18</u> Surreply (Bader, Hans) (Entered: 01/11/2013)
01/28/2013	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Leave to File Surreply filed by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Lo, Michelle) (Entered: 01/28/2013)
01/31/2013	<u>21</u>	REPLY to opposition to motion re <u>18</u> MOTION for Leave to File Surreply filed by COMPETITIVE ENTERPRISE INSTITUTE. (Bader, Hans) (Entered: 01/31/2013)
02/05/2013	<u>22</u>	NOTICE <i>Concerning EPA's Pending Motion for Summary Judgment</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Lo, Michelle) (Entered: 02/05/2013)
02/21/2013	<u>23</u>	STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Lo, Michelle) (Entered: 02/21/2013)
03/07/2013	<u>24</u>	NOTICE OF WITHDRAWAL OF MOTION by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY re <u>11</u> MOTION for Summary Judgment (Lo, Michelle) (Entered: 03/07/2013)
03/08/2013		MINUTE ORDER finding as moot <u>18</u> Motion for Leave to File Sur-reply: as defendant has withdrawn its motion for summary judgment (see Notice, Mar. 7, 2013 <u>24</u> ), plaintiff's motion to file a sur-reply is terminated as moot. Signed by Judge Ellen S. Huvelle on March 8, 2013. (AG) (Entered: 03/08/2013)
03/08/2013		Set/Reset Deadlines: Status Report due by 3/28/2013. (AG) (Entered: 03/08/2013)
03/28/2013	<u>25</u>	STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Lo, Michelle) (Entered: 03/28/2013)
04/24/2013	<u>26</u>	STIPULATION of Settlement and Dismissal of All Claims Except for Attorney's Fees and Proposed Order by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Lo, Michelle) (Entered: 04/24/2013)
04/25/2013	<u>27</u>	STIPULATION OF SETTLEMENT AND DISMISSAL OF ALL CLAIMS EXCEPT FOR ATTORNEY'S FEES. Signed by Judge Ellen S. Huvelle on 4/25/13. (gdf) (Entered: 04/26/2013)